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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

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EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/873,222	<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> Wes Tucker	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The affidavit filed on May 6<sup>th</sup> 2005 under 37 CFR 1.131 is sufficient to overcome the U.S. Patent 6,829,378 to Difilippo reference.

The previous rejection is accordingly withdrawn and a new rejection is now presented in view of the reference of U.S. Patent 6,324,521 to Shiota et al.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,324,521 to Shiota et al.

With regard to claim 1, Shiota discloses a digital image routing system (Fig. 1), comprising:

Means for receiving a digital image packet at a digital image routing system (column 2, lines 21-32 and Fig. 1, element 2), wherein the digital image packet was

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directly sent from a customer via a network to the digital image routing system (column 2, lines 34-42), wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2 and column 3, lines 5-18 and lines 32-45);

Means for selecting a remote digital image editing system according to the customer preference parameter using the digital image routing system (column 3 lines 5-18); and

Means for transmitting the digital image packet to a selected remote digital image editing system (Fig. 1 element 4) from the digital image routing system via the network (column 3, lines 5-18 and Fig. 1, elements 2, 3 and 4 and their dedicated lines). Her Shiota discloses several remote image processing laboratories which are selected according to user preference parameters.

With regard to claim 7, the discussion of claim 1 applies. The steps of the method claimed are disclosed in the operation of the system disclosed in Shiota as discussed with regard to claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2- rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patents 6,324,521 to Shiota et al. and 5,384,862 to Echerer et al.

With regard to claim 2, Shiota discloses the digital image routing system of claim 1, further comprising:

Means for enhancing the digital image using the selected remote digital image editing system based on the customer preference parameter (column 2, lines 4-9, column 3, lines 18 and column 4, lines 44-64). Shiota discloses wherein the different remote image processors perform different functions on the images such as certain print preparation information such as enhancements and for example if the image will be printed on a postcard and also discloses generating a manipulated print such as a composite picture. All of these operations are performed according to customer preference parameter information.

Shiota does not expressly disclose means for transmitting an enhanced digital image packet to the customer including the enhancements made to the image. Shiota does disclose communicating with a customer after enhancements are performed, but does not disclose specifically transmitting the enhanced image along with a description of enhancements. Enhancing images and sending the enhanced images along with enhancement information is well known practice in the art of image processing.

Echerer discloses means for transmitting an enhanced digital image packet to a customer via the network (column 3, lines 1-11), wherein the enhanced digital image

enhancement packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 3, lines 1-11 and Fig. 2). Echerer discloses an enhancement of a digital image and teaches that keeping these kind of records of image enhancements are good practice and also teaches that the enhancements can be reproduced when the enhancements are stored. Therefore it would have been obvious to one of ordinary skill in the art to use the practice of sending a user the enhanced images along with the image enhancement information in order to keep a record of the enhancements as well as making the image enhancements reproducible as taught by Echerer in the environment of Shiota because Shiota already describes sending the user feedback information about the image and enhancements. It would be a logical step to send Echerer the image enhancements as taught by Shiota.

With regard to claim 3, Shiota and Echerer disclose the routing system of claim 2 and Shiota discloses wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 3, lines 32-45 and column 4, lines 55-64). Shiota discloses sending order information disclosing ways to enhance and process images at remote laboratories. This is interpreted as happening automatically as it occurs without intervention and with information sent by user preferences.

With regard to claim 4, the discussions of claims 1 and 2 apply because claim 4 is claims 1 and 2 combined word for word. The rejection has been repeated for the Applicant's convenience.

Shiota discloses a digital image routing system (Fig. 1), comprising:

Means for receiving a digital image packet at a digital image routing system (column 2, lines 21-32 and Fig. 1, element 2), wherein the digital image packet was directly sent from a customer via a network to the digital image routing system (column 2, lines 34-42), wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2 and column 3, lines 5-18 and lines 32-45);

Means for selecting a remote digital image editing system according to the customer preference parameter using the digital image routing system (column 3 lines 5-18); and

Means for transmitting the digital image packet to a selected remote digital image editing system (Fig. 1 element 4) from the digital image routing system via the network (column 3, lines 5-18 and Fig. 1, elements 2, 3 and 4 and their dedicated lines). Her Shiota discloses several remote image processing laboratories which are seleted according to user preference parameters.

Shiota further discloses means for enhancing the digital image using the selected remote digital image editing system based on the customer preference parameter (column 2, lines 4-9, column 3, lines 18 and column 4, lines 44-64). Shiota discloses wherein the different remote image processors perform different functions on the

images such as certain print preparation information such as enhancements and for example if the image will be printed on a postcard and also discloses generating a manipulated print such as a composite picture. All of these operations are performed according to customer preference parameter information.

Shiota does not expressly disclose means for transmitting an enhanced digital image packet to the customer including the enhancements made to the image. Shiota does disclose communicating with a customer after enhancements are performed, but does not disclose specifically transmitting the enhanced image along with a description of enhancements. Enhancing images and sending the enhanced images along with enhancement information is well known practice in the art of image processing.

Echerer discloses means for transmitting an enhanced digital image packet to a customer via the network (column 3, lines 1-11), wherein the enhanced digital image enhancement packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 3, lines 1-11 and Fig. 2). Echerer discloses an enhancement of a digital image and teaches that keeping these kind of records of image enhancements are good practice and also teaches that the enhancements can be reproduced when the enhancements are stored. Therefore it would have been obvious to one of ordinary skill in the art to use the practice of sending a user the enhanced images along with the image enhancement information in order to keep a record of the enhancements as well as making the image enhancements reproducible as taught by Echerer in the environment of Shiota because Shiota already describes sending the user feedback



information about the image and enhancements. It would be a logical step to send Echerer the image enhancements as taught by Shiota.

With regard to claim 5, the discussion of claim 3 applies.

With regard to claim 7, the discussion of claim 4 applies. The steps of the method claimed are disclosed in the operation of the system disclosed in the combination of Shiota and Echerer as discussed with regard to claim 4.

With regard to claim 9, the discussion of claims 3 and 5 apply.

With regard to claim 10, the discussion of claim 3 and 5 apply. With regard to the image enhancements being automatic, Shiota is interpreted as performing the operation automatically at a remote location as discussed with regard to claims 3 and 5.

With regard to claim 11, Echerer discloses storing an enhancement performed on a previous digital image (column 6, lines 31-36 and 56-68 and column 7, lines 4-10 and 23-35. and column 8, lines 35-40 and 51-56). Echerer discloses storing enhancements and operations made to the images so that they can be saved and duplicated and compared with other transformations.

Echerer further discloses analyzing the enhancement performed on the previous digital image (column 6, lines 57-68); and

Establishing the enhancement parameter to be used by the automatic digital image enhancement system to automatically enhance the digital image (column 7, lines 4-10).

With regard to claim 12, the discussion of claim 4 applies. The method claimed is disclosed in the operation of the system.

With regard to claim 13, the discussion of claims 3, 5 and 9 applies.

With regard to claim 14, the discussion of claim 10 applies.

With regard to claim 15, the discussion of claim 11 applies.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker

12-22-05

A handwritten signature in black ink, appearing to read 'Vikram Bali', with a stylized, cursive script.

**VIKKRAM BALI**  
**PRIMARY EXAMINER**